Supreme Court of the United States

OCTOBER TERM, 1904

No. 516

THOMAS M. RIGGINS, PLAINTIFF IN ERROR,

vs.

UNITED STATES, DEFENDANT IN ERROR.

To The Honorable, The Supreme Court of The United States:

Now comes, Thomas M. Riggins, Plaintiff in Error, by his Counsel, and moves the Court, that the above entitled cause be advanced under the provisions of Rule 32, of this Court, and heard under Rule 6, in regard to motions to dismiss writs of error and appeals, upon the ground that this case is brought to this Court by Appeal, under section 5, of the Act of March 3, 1891, Chapter 517, and for the reason, that the only question involved therein, is that of the jurisdiction of the Circuit Court of the United States.

This case is an appeal from the judgment of the Court below, denying the prayer of a Petition filed therein, by the Plaintiff in Error, Thomas M. Riggins, for his discharge from the custody of the Marshal. The Plaintiff in Error is indicted, with others, under sections 5508 and 5509 of the Revised Statutes, for a conspiracy,

under a statement of facts, alleged to be in violation of the provisions of the Thirteenth and Fourteenth Amendments to the Constitution. The Indictment contains several counts, and each of them, substantially charge, that the Plaintiff in Error, conspiring thereunto, with other persons, composing a mob, unlawfully killed, and murdered, one Horace Maples, and that the combination and conspiracy was formed for the purpose of killing the said Horace Maples who was a citizen of the United States, of African descent, by reason of his race, and that he was forcibly taken from the Jail of the County of Madison, State of Alabama, and from the custody of the Sheriff of said County, and hanged until he was dead; and that said conspiracy was formed, and the alleged acts were done in pursuance of said combination, by reason of the race of said Maples; that said alleged conspiracy was formed to injure, oppress, threaten and intimidate said Maples, in the enjoyment of a right, privilege or immunity secured to him by the Constitution and Laws of the United States; that being so hanged, he was denied a trial by jury and that his life was taken by said alleged conspirators without due process of law.

The Plaintiff in Error contends, that the acts of which complaint is made, do not violate any right secured to Maples, under the Constitution of the United States, and that said acts are alone punishable under the Laws of the State.

The Indictment, therefore, cannot be laid, under sections 5508 and 5509 of the Revised Statutes; and, in consequence, the prayer of the Petition for a writ of Habeas Corpus, should be granted, and Petitioner discharged from the custody of the Marshal.

LAWRENCE COOPER,
Attorney for Petitioner.